

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

CORBEY JONES AND
CYNTHIA JONES

Plaintiffs,

VERSUS

JONES COUNTY, MS, ET AL.
Defendants.

* CIVIL ACTION NUMBER:
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* 2:22-CV-93-KS-MTP
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RESPONSE TO DEFENDANT DONNIE SCOGGIN'S MOTION TO DISMISS, REC.
DOC. 10

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Corbey and Cynthia Jones, who file this Response to Defendant Donnie Scoggin's Motion to Dismiss, Rec. Doc. 10. Prior to this motion, the Plaintiffs had not been informed of Mr. Scoggin's affiliation with a governmental entity and assumed he was an independent contractor. The Plaintiffs had also previously requested a copy of the contract for medical services at the Jones County Adult Detention Center, but that had not been provided to them before it was attached to Mr. Scoggin's motion. Given the contract and the information in Mr. Chioco's affidavit, the Plaintiffs agree that their Mississippi state law claims against Mr. Scoggin are required to be dismissed. These state law claims were asserted in the Third Cause of Action in the Plaintiffs' Complaint. Rec. Doc. 1 at p. 15.

However, in the First and Second Causes of Action, the Plaintiffs' Complaint also asserts two 42 U.S.C. § 1983 claims against Mr. Scoggin. Rec. Doc. 1 at pp. 14-15. Defendant Scoggin makes no argument in his Motion requesting or even suggesting that these § 1983 claims should be dismissed. Therefore, while the state law claim against Mr. Scoggin should be dismissed, the

§ 1983 claims against him should proceed.

Wherefore, Plaintiffs request that any order granting Mr. Scoggin's Motion to Dismiss be limited to the state law claims in the Third Cause of Action, which is the only claim Scoggin seeks to dismiss.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing motion has been served upon all counsel of record via the Court's ECF/CMF system, which will send notice of filing to all counsel of record.

/s/ Stephen J. Haedicke